

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

NATIONAL ASSOCIATION OF TOBACCO :  
OUTLETS, INC.; CIGAR ASSOCIATION OF :  
AMERICA, INC.; LORILLARD TOBACCO :  
COMPANY; R.J. REYNOLDS TOBACCO :  
COMPANY; AMERICAN SNUFF :  
COMPANY; PHILIP MORRIS USA INC.; :  
U.S. SMOKELESS TOBACCO :  
MANUFACTURING COMPANY LLC; US :  
SMOKELESS TOBACCO BRANDS INC.; :  
and JOHN MIDDLETON COMPANY, :

*Plaintiffs*

v.

C.A. No. 12-96 ML

CITY OF PROVIDENCE, Rhode Island; :  
PROVIDENCE BOARD OF LICENSES; :  
PROVIDENCE POLICE DEPARTMENT; :  
MICHAEL A. SOLOMON, Providence City :  
Council President, in his official capacity; and :  
ANGEL TAVERAS, Mayor of Providence, :  
in his official capacity, :

*Defendants*

**JOINT MOTION FOR LEAVE TO FILE  
BRIEFS AS AMICI CURIAE**

The (1) RHODE ISLAND DEPARTMENT OF BEHAVIORAL HEALTHCARE,  
DEVELOPMENTAL DISABILITIES AND HOSPITALS and RHODE ISLAND  
DEPARTMENT OF HEALTH;

(2) the TOBACCO CONTROL LEGAL CONSORTIUM; and

(3) the AMERICAN ACADEMY OF PEDIATRICS-RI CHAPTERS; AMERICAN  
CANCER SOCIETY CANCER ACTION NETWORK; AMERICAN CANCER SOCIETY,  
NEW ENGLAND DIVISION, INC.; AMERICAN LUNG ASSOCIATION; AMERICAN

LUNG ASSOCIATION IN RHODE ISLAND; CAMPAIGN FOR TOBACCO-FREE KIDS;  
CENTER FOR HISPANIC POLICY AND ADVOCACY (CHISPA); CHARIHO TRI-TOWN  
TASK FORCE ON SUBSTANCE ABUSE PREVENTION; CODAC BEHAVIORAL  
HEALTHCARE; DISCOVERY HOUSE; FAMILY SERVICE OF RHODE ISLAND;  
INITIATIVES FOR HUMAN DEVELOPMENT; INTERNATIONAL INSTITUTE OF RHODE  
ISLAND; JOHN HOPE SETTLEMENT HOUSE; MEETING STREET; NATIONAL  
ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS; NATIONAL  
ASSOCIATION OF LOCAL BOARDS OF HEALTH; RHODE ISLAND COLLEGE SCHOOL  
OF NURSING; RHODE ISLAND MEDICAL SOCIETY; RHODE ISLAND PUBLIC  
HEALTH INSTITUTE; RHODE ISLAND STATE NURSES ASSOCIATION;  
SOCIOECONOMIC DEVELOPMENT CENTER FOR SOUTHEAST ASIANS; THE  
PROVIDENCE CENTER; UNIFIED INSIGHT CONSULTING; URBAN LEAGUE OF  
RHODE ISLAND; and YOUTH PRIDE INC.,

(collectively, “*amici curiae*”), respectfully move this Court for leave to file three briefs as *amici curiae* in support of Defendants the City of Providence, *et al.*, in the above-captioned matter.

In support of this motion, the *amici curiae* jointly file the accompanying memorandum.

Respectfully submitted,

RHODE ISLAND DEPARTMENT OF BEHAVIORAL HEALTHCARE,  
DEVELOPMENTAL DISABILITIES AND HOSPITALS  
RHODE ISLAND DEPARTMENT OF HEALTH

*By their counsel,*

/s/ Thomas J. Corrigan Jr.  
Senior Legal Counsel  
Rhode Island Department of Health  
3 Capitol Hill  
Providence, RI 02903  
(401) 528-3562

Dated: April 16, 2012

TOBACCO CONTROL LEGAL CONSORTIUM

*By its counsel,*

/s/ Seth E. Mermin

Dated: April 16, 2012

Seth E. Mermin  
Thomas Bennigson  
PUBLIC GOOD LAW CENTER  
3130 Shattuck Avenue  
Berkeley, CA 94705  
(510) 393-8254

AMERICAN ACADEMY OF PEDIATRICS-RI CHAPTERS  
AMERICAN CANCER SOCIETY CANCER ACTION NETWORK  
AMERICAN CANCER SOCIETY, NEW ENGLAND DIVISION, INC.  
AMERICAN LUNG ASSOCIATION  
AMERICAN LUNG ASSOCIATION IN RHODE ISLAND  
CAMPAIGN FOR TOBACCO-FREE KIDS  
CENTER FOR HISPANIC POLICY AND ADVOCACY (CHISPA)  
CHARIHO TRI-TOWN TASK FORCE ON SUBSTANCE ABUSE PREVENTION  
CODAC BEHAVIORAL HEALTHCARE  
DISCOVERY HOUSE  
FAMILY SERVICE OF RHODE ISLAND  
INITIATIVES FOR HUMAN DEVELOPMENT  
INTERNATIONAL INSTITUTE OF RHODE ISLAND  
JOHN HOPE SETTLEMENT HOUSE  
MEETING STREET  
NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS  
NATIONAL ASSOCIATION OF LOCAL BOARDS OF HEALTH  
RHODE ISLAND COLLEGE SCHOOL OF NURSING  
RHODE ISLAND MEDICAL SOCIETY  
RHODE ISLAND PUBLIC HEALTH INSTITUTE  
RHODE ISLAND STATE NURSES ASSOCIATION  
SOCIOECONOMIC DEVELOPMENT CENTER FOR SOUTHEAST ASIANS  
THE PROVIDENCE CENTER  
UNIFIED INSIGHT CONSULTING  
URBAN LEAGUE OF RHODE ISLAND  
YOUTH PRIDE INC.

/s/ Donald A. Migliori

Dated: April 16, 2012

MOTLEY RICE LLC  
Donald A. Migliori (# 4936)

Ronald L. Motley  
Vincent I. Parrett  
321 South Main St., 2nd Floor  
Providence, RI 02903  
Phone: 401.457.7700  
Fax: 401.457.7708  
[dmigliori@motleyrice.com](mailto:dmigliori@motleyrice.com)

**CERTIFICATE OF SERVICE**

I, Donald A. Migliori of Motley Rice LLC, hereby certify that on April 16, 2012, this motion was filed and served electronically through the Court's CM/ECF System on all counsel of record including:

Counsel for Plaintiffs:

Gerald J. Petros, Esq.  
gpetros@haslaw.com  
Adam M. Ramos, Esq.  
aramos@haslaw.com  
HINCKLEY, ALLEN & SNYDER, LLC  
50 Kennedy Plazas, Ste. 1500  
Providence, RI 02903

James R. Oswald, Esq.  
joswald@apslaw.com  
Kyle Zambarano, Esq.  
[kzambarano@apslaw.com](mailto:kzambarano@apslaw.com)  
ADLER POLLOCK & SHEEHAN P.C.  
One Citizens Plaza, 8<sup>th</sup> Floor  
Providence, R.I. 02903

Counsel for Defendants:

Anthony F. Cottone, Esq.  
Deputy City Solicitor  
[acottone@providenceri.com](mailto:acottone@providenceri.com)  
City Providence Law Department  
444 Westminster Street, Suite 200  
Providence, RI 02903

By: /s/ Donald A. Migliori  
Donald A. Migliori (# 4936)  
MOTLEY RICE LLC  
*Counsel for amici curiae*